

DRAFT REGULATORY POLICY

C-242 (E)

**CONSIDERING COST-BENEFIT
INFORMATION**

Issued for public comments by the
Atomic Energy Control Board
October 1999



Atomic Energy
Control Board

Commission de contrôle
de l'énergie atomique

Canada

AECB Regulatory Documents

The Atomic Energy Control Board (AECB) operates within a legal framework that includes law and supporting regulatory documents. Law includes such legally enforceable instruments as acts, regulations, licences and directives. Regulatory documents such as policies, standards, guides, notices, procedures and information documents support and provide further information on these legally enforceable instruments. Together, law and regulatory documents form the framework for the regulatory activities of the AECB.

The main classes of regulatory documents developed by the AECB are:

- **Regulatory Policy:** a document that describes the philosophy, principles and fundamental factors used by the AECB in its regulatory program.
- **Regulatory Standard:** a document that is suitable for use in compliance assessment and describes rules, characteristics or practices which the AECB accepts as meeting the regulatory requirements.
- **Regulatory Guide:** a document that provides guidance or describes characteristics or practices that the AECB recommends for meeting regulatory requirements or improving administrative effectiveness.
- **Regulatory Notice:** a document that provides case-specific guidance or information to alert licensees and others about significant health, safety or compliance issues that should be acted upon in a timely manner.
- **Regulatory Procedure:** a document that describes work processes that the AECB follows to administer the regulatory requirements for which it is responsible.

Document types such as regulatory policies, standards, guides, notices and procedures do not create legally enforceable requirements. They support regulatory requirements found in regulations, licences and other legally enforceable instruments. However, where appropriate, a regulatory document may be made into a legally enforceable requirement by incorporation in an AECB regulation, a licence or other legally enforceable instrument made pursuant to the *Atomic Energy Control Act*.

DRAFT REGULATORY POLICY**Considering Cost-benefit Information****C-242(E)****October 1999****NOTICE**

On March 20, 1997, Bill C-23, the *Nuclear Safety and Control Act* (*NSC Act*, the Act), received Royal Assent. New regulations that are derived from this Act will become law and replace the existing regulations. Draft Regulatory Policy C-242 references the *NSC Act* and new regulations, which will come into force in 2000 on a date to be fixed by order of the Governor in Council.

About this Document**Comments**

In order for interested persons to determine this document's impact and value, public comments are being solicited. At the end of a two-month comment period, all comments will be studied to determine how best to improve the document. Unless otherwise requested, a copy of all comments received will be placed in the AECB Library, in Ottawa. Comments on this policy will be most helpful if received in writing by December 15, 1999. Reference our file number 1-8-8-242, and direct enquiries and/or comments to the address below.

Document availability

The document can be viewed on the AECB internet website at www.aecb-ccea.gc.ca. A copy of C-242 may be ordered in English or French using the contact information below:

Operations Assistant
Corporate Documents Section
Atomic Energy Control Board
P.O. Box 1046, Station B
280 Slater Street
Ottawa, Ontario K1P 5S9
CANADA

Telephone (613) 996-9505
Facsimile (613) 995-5086
E-mail: reg@atomcon.gc.ca

Purpose

This policy describes how the Canadian Nuclear Safety Commission (CNSC) will consider cost-benefit information in its regulatory process.

Scope

This policy pertains to the CNSC regulatory process, as provided for by the *Nuclear Safety and Control (NSC) Act*. It directs CNSC staff, and provides guidance to licence applicants, to licensees, and to persons who are named in or subject to orders or decisions of the Commission or its designated officers or inspectors.

Background

The Government of Canada requires federal regulatory authorities to adhere to its regulatory policy to ensure that the benefits and costs to society of federal regulatory initiatives are balanced. Accordingly, when developing draft regulations, the Atomic Energy Control Board (AECB) follows the *Government of Canada Regulatory Policy (1995)* and the federal regulations-making process. These provisions, which involve consultation with Canadians and the assessment and limitation of adverse economic impacts, provide the framework for this policy.

Policy Statement

"The Canadian Nuclear Safety Commission recognizes that compliance with regulatory requirements entails social and economic costs that are borne by licensees and other Canadians. The Commission further recognizes that the NSC Act requires it and its designated officers to provide persons that are directly affected by its regulatory decisions and orders with opportunities to be heard in accordance with the Act and prescribed rules of procedure. Accordingly, it is the policy of the Commission that:

- *When conducting any proceeding under the NSC Act, such as a meeting or public hearing, or when taking any action or making any decision with respect to a licence or an order, the Commission or its designated officer will consider any relevant information on costs or benefits that is submitted by the licence applicant, the licensee, CNSC staff or interested persons.*
- *When receiving or considering any relevant information on costs or benefits that is provided to it in accordance with the NSC Act, the Commission and its officers and employees will be governed by the following principles:*
 - *Information on costs and benefits is only one factor that may be considered in making regulatory decisions or taking regulatory actions under the NSC Act, and does not displace legal requirements and other valid regulatory considerations.*

- *The information on costs or benefits may be quantitative or qualitative in nature.*
- *The Commission's consideration of the information on costs or benefits may be quantitative or qualitative in nature."*

Evaluation

The CNSC auditor will evaluate the CNSC's adherence to this policy, and the effectiveness of this policy, during periodic corporate reviews in accordance with management priorities.

Policy Authority

This proposed policy is issued under the authority of the *Atomic Energy Control Act*.